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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,390	10/16/2003	Rolf van Haag	P24348	6679
7055	7590	07/24/2006	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			JIMENEZ, MARC QUEMUEL	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 07/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/685,390	Applicant(s) HAAG, ROLF VAN	
	Examiner Marc Jimenez	Art Unit 3726	

-- **Th MAILING DATE of this communication app ars on the cover sheet with th correspondence address --**
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
4a) Of the above claim(s) 2, 16, 23-33 and 35-46 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 3-15, 17-20, 22 and 34 is/are rejected.
7) ☒ Claim(s) 21 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 21 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-21-04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of Group I, Species B (identified as claims 1, 3-15, 17-22 and 34) in the reply filed on 6-12-06 is acknowledged. The traversal is on the ground(s) that a serious burden has not been asserted in the restriction requirement in searching all of the groups. This is not found persuasive because there is a serious burden in examining all of the groups because different prior art references would have to be applied with respect to each respective group. In addition, the field of search and text searching strategy for each respective group would be different. Therefore, a search of all the groups would entail a serious and undue burden.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1, 3, 4, 7, 10-15, 17-20, 22 and 34** are rejected under 35 U.S.C. 102(b) as being anticipated by Chrigui (US5595117).

Chrigui teaches in figure 6: a roll jacket **9** structured and arranged to surround an

Art Unit: 3726

interior space, an absorber arrangement **19,7,6** comprising at least one passive vibration absorber located within the interior space (col. 6, lines 14-16) and arranged to act on the roll jacket **9** in a damping manner (col. 6, line 21-26). Note that the vibration absorber is positioned in an axial direction of the roll jacket (see figure 5). Note the cup springs **11** and dampers **20** (col. 6, line 14). The vibration absorber is structured and arranged to be movable relative to the roll jacket (radially movable). The vibration absorber has an adjustable absorber frequency (col. 3, lines 42-45). The vibration absorber has an absorber frequency that lies below a natural frequency of the roll (col. 5, lines 1-10 and col. 7, lines 18-37 to col. 8, lines 1-10).

Regarding claim 15, in figure 3 is an alternative embodiment showing a roll shaped vibration absorber **7**.

Note that with respect to the limitations such as “wherein the natural frequency is decisive of the formation of barring” and “wherein said vibration absorber has an absorber frequency that lies below a natural frequency of said roll”, MPEP 2114 states:

A claim containing a "recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. *Ex parte Masham*, 2 USPQ2d 1647 (Bd. Pat. App. & Inter. 1987) (The preamble of claim 1 recited that the apparatus was "for mixing flowing developer material" and the body of the claim recited "means for mixing ..., said mixing means being stationary and completely submerged in the developer material". The claim was rejected over a reference which taught all the structural limitations of the claim for the intended use of mixing flowing developer. However, the mixer was only partially submerged in the developer material. The Board held that the amount of submersion is immaterial to the structure of the mixer and thus the claim was properly rejected.).

The roll of Chrighi teaches each of the claimed structural features as cited above and is therefore considered to meet the functional language limitations in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 5-6** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi.

Chrighi teaches the invention cited above with the exception of the particular vibration absorber mass. At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art to have used the claimed vibration absorber mass depending upon the particular size of the roll and the amount of vibration that needs to be damped.

6. **Claims 8-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over Chrighi in view of Kayser et al. (US6464834).

Chrighi suggests that more than one vibration absorber may be used (col. 3, lines 24-25, “at least one” dynamic damper). However, Chrighi does not give specific examples showing this.

Kayser et al. teach that a plurality of vibration absorbers could be used 9 (figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Chrigui with a plurality of absorbers distributed in the axial location, in light of the teachings of Kayser et al., in order to selectively damp vibration along the entire surface of the roll.

7. **Claim 15** is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Chrigui in view of Gerstenberger et al. (US5235909).

Chrigui teaches a spherical shaped vibration absorber 7 rather than roll-shaped.

Gerstenberger et al. teach that vibration absorbers come in different shapes including roll-shaped 9 or 20.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Chrigui with a roll-shaped vibration absorber, in light of the teachings of Gerstenberger et al., in order to compensate for bending vibration as well as torsional vibration (col. 1, lines 26-27 of Gerstenberger et al.).

Allowable Subject Matter

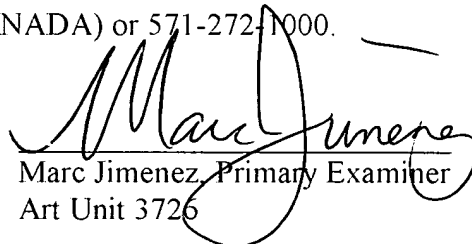
8. Claim 21 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 3726

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is (571) 272-4530. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Marc Jimenez, Primary Examiner
Art Unit 3726

MJ

7-17-06